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August 31, 2018

The Honorable Pamela K. Chen
U.S. District Judge
U.S. District Court for the Eastern District of
New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Marin and Napout* – Docket No. 15-cr-252 (PKC)

Dear Judge Chen:

We write on behalf of the Fédération Internationale de Football Association (“FIFA”) in connection with its request for restitution from Defendants José Maria Marin and Juan Ángel Napout. FIFA is filing this victim statement in accordance with the Court’s August 21, 2018 Order calling for final victim submissions in connection with the restitution portion of Marin’s and Napout’s sentencings to be filed by August 31, 2018 (the “August 21 Order”).

FIFA has previously described the ways in which it was victimized by Marin and Napout and the harms it suffered as a result of their and their co-conspirators’ crimes in victim statements filed as to Marin on August 6, 2018 (ECF No. 966) (“Marin Victim Statement”) and as to Napout on August 15, 2018 (ECF No. 988) (“Napout Victim Statement”). FIFA respectfully refers the Court to those submissions for: (1) a summary of the Defendants’ crimes and the manner in which they harmed FIFA; (2) FIFA’s legal arguments in support of restitution; and (3) FIFA’s losses as a direct result of the Defendants’ crimes.

FIFA is filing this additional victim statement in order to (1) provide additional context as to how the defendants’ and their co-conspirators’ crimes harmed FIFA and caused its losses; (2) give a final statement of those losses; and, in accordance with the August 21 Order, (3) state that it does not intend to call any witnesses at the restitution hearing currently scheduled for October 4, 2018.

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A. Marin's and Napout's Conduct Victimized FIFA

Marin and Napout were convicted of participating in a decades-long conspiracy to corrupt international soccer for their own profit, at the expense of FIFA, the confederations, and the member associations. Their role in the conspiracy and the losses they caused to FIFA has been well-documented, including in (1) FIFA's own victim submissions; (2) the evidence presented by the U.S. government at Marin's and Napout's trial; and (3) in the Court's own words.

As FIFA noted in its victim submissions, Marin and Napout victimized FIFA in two primary ways. First, Marin and Napout both received benefits payments from FIFA that they were not entitled to.¹ Marin and Napout were given positions on FIFA committees and given FIFA funds to attend international soccer events on the understanding that they were providing honest services to FIFA and acting for the good of the game. Instead, as became apparent once the criminal indictments were unsealed, Marin, Napout, and their co-conspirators had corrupted all aspects of FIFA's mission to administer and grow the international soccer community.

Second, the actions of Marin, Napout, and their co-conspirators were directly responsible for the legal costs FIFA incurred in participating in the U.S. government's investigation and prosecution of the co-conspirators' illegal conduct.² FIFA commenced its investigation of the co-conspirators' conduct shortly after the first U.S. criminal indictment against the soccer officials was unsealed on May 27, 2015, and thereafter participated in the U.S. government's investigation and eventual conviction of Marin and Napout. While doing so, FIFA incurred tens of millions of dollars in fees conducting the investigation and attending Marin's and Napout's trial.³

In both the superseding criminal indictment used to convict Marin and Napout and in public statements regarding the U.S. government's investigation, the U.S. government recognized that FIFA was a victim of Marin's, Napout's, and their co-conspirators' schemes. As the Second Superseding Indictment stated, Marin's, Napout's, and their co-conspirators' illegal schemes "deprived *FIFA*, the confederations, and their constituent organizations of their right to the honest and loyal services of the soccer officials involved."⁴ The Second Superseding Indictment went on to note the significant harm that FIFA had suffered as a result of Marin's, Napout's, and their co-conspirators' actions, including by "limiting [FIFA's] ability to operate effectively and carry out [its] core mission."⁵ U.S. Attorney General Loretta Lynch also publicly

¹ See Marin Victim Statement at 4–8; Napout Victim Statement at 4–10.

² See Marin Victim Statement at 9–12; Napout Victim Statement at 10–13.

³ For a final statement of FIFA's losses in this regard, please see Section B below.

⁴ Superseding Indictment ¶ 62 *United States v. Webb, et al.*, 15-cr-252, Dkt. No. 603 (E.D.N.Y. June 14, 2017) (emphasis added).

⁵ *Id.*

recognized that FIFA suffered harm at the hands of Marin, Napout, and their co-conspirators when she noted that “this corruption essentially hurts . . . the organization [*i.e.*, FIFA] itself.”⁶

Most recently, the U.S. government recognized during Marin’s sentencing on August 22, 2018 that FIFA was a victim of the defendants’ and their co-conspirators’ wide-ranging illegal schemes. As the U.S. government stated, “[Marin] contributed significantly, actively, to the long-standing and widespread culture of corruption by high-ranking soccer officials.”⁷ The U.S. Government went on to note that Marin’s crimes were not “victimless,” and that representatives from the victimized organizations, including FIFA, were in the courtroom that day.

Finally, the Court itself has noted the role that Marin played in the decades-long criminal conspiracy, and how his actions harmed all of international soccer, including FIFA. During Marin’s sentencing, the Court noted that Marin “abused the trust of the soccer organizations that he was duty-bound to serve,”⁸ and that instead of working to clean up the corruption he found himself in when he became President of the Brazilian Soccer Federation (“CBF”), he “participated in and helped perpetuate and conceal massive bribery schemes that resulted in losses to various soccer federations of \$150 million and more, which were all paid to corrupt soccer officials. The conduct of Mr. Marin and his co-conspirators destroyed the public’s confidence in and the representation of international professional soccer.”⁹ The Court further held that Marin should be required to pay restitution to the victims “in full.”¹⁰

As one of the victims of Marin’s, Napout’s, and their co-conspirators’ crimes, FIFA respectfully requests restitution in the full amount of its losses, as stated in the section below.

B. FIFA’s Losses as a Result of Marin’s, Napout’s, and Their Co-Conspirators’ Crimes

As detailed in its victim submissions on August 6 and 15, 2018, FIFA has suffered extensive losses as a direct result of Marin’s, Napout’s, and their co-conspirators’ illegal actions. Specifically, FIFA has suffered the following harms:

- **Benefits paid to the Defendants:** As noted in FIFA’s victim submissions, FIFA paid benefits to Marin and Napout on the understanding that they were serving as honest

⁶ Press Conference, *Attorney General Lynch on FIFA Arrests*, U.S. Dep’t of Justice (Dec. 3, 2015), *available at* <http://www.c-span.org/video/?401555-1/attorney-general-loretta-lynch-fifa-arrests&start=2835>.

⁷ Transcript of Jose Maria Marin Sentencing Hearing at 48, *U.S. v. Webb*, 15-cr-252 (E.D.N.Y. Aug. 22, 2018) (“Marin Sentencing Transcript”).

⁸ *Id.* at 72.

⁹ *Id.* at 60.

¹⁰ *Id.* at 62.

soccer officials.¹¹ By virtue of their status as FIFA officials, Marin and Napout owed a fiduciary duty to FIFA, the confederations, and the member associations. And instead of upholding their responsibilities to the organizations they were “duty-bound” to serve, they and their co-conspirators engaged in pervasive corruption over the course of many years. During the times they were committing these crimes, Marin received **\$97,663.00** and Napout received **\$121,446.30** in benefits from FIFA. These amounts should be awarded to FIFA as restitution for the reasons detailed in FIFA’s victim submissions.

- **Legal Fees:** As further noted in FIFA’s victim submissions, FIFA incurred substantial legal fees as a direct result of Marin’s, Napout’s, and their co-conspirators’ crimes.¹² These fees included: (1) Quinn Emanuel attorneys to prepare and produce a witness for the U.S. government at the trial of Manuel Burga, Marin, and Napout, and to attend the trial to represent FIFA’s interests, in the amount of **CHF 125,030.33**; (2) Quinn Emanuel attorneys to investigate the defendants’ conduct, prepare written reports and transmit them to the U.S. government, and represent FIFA before the U.S. government, and digital forensics consultants to collect, process, and host the data reviewed as part of the investigation, in the amount of **CHF 28,077,166.79**.¹³ These amounts should be awarded to FIFA as restitution for the reasons detailed in FIFA’s victim submissions.

C. FIFA Does Not Intend to Call Witnesses at the October 4, 2018 Restitution Hearing

In the August 21 Order, the Court directed victims of the defendants’ actions to submit a final victim statement by August 31, 2018, including (1) a final statement of the losses they incurred as a result of the defendants’ conduct, and (2) whether they intended to call any witnesses in support of their restitution requests at the restitution hearing currently scheduled for October 4, 2018.

FIFA provided a final statement of its losses above in Section B, and stands ready to submit any additional supporting evidence the Court would find helpful. At this time, FIFA does not intend to call any witnesses at the October 4, 2018 hearing, though it would be willing to do so if requested by the Court.

* * *

In conclusion, as a victim of José Maria Marin’s, Juan Ángel Napout’s, and their co-conspirators’ criminal conduct, FIFA respectfully requests restitution for (1) the benefits Marin

¹¹ See Marin Victim Statement at 4–8; Napout Victim Statement at 4–10.

¹² See Marin Victim Statement at 9–12; Napout Victim Statement at 10–13.

¹³ FIFA is willing to provide further evidence of the legal fees it incurred as a result of Marin’s, Napout’s, and their co-conspirators’ crimes, but respectfully requests that it be permitted to submit the evidence *in camera* for the Court’s review due to the sensitive and privileged nature of the supporting documents.

and Napout wrongfully induced FIFA to pay to them, as well as (2) the legal fees FIFA incurred in investigating Marin's, Napout's, and their co-conspirators' illegal conduct. Restitution is appropriate and should be awarded:

- (a) As to Marin: Benefits, travel expenses, and other compensation FIFA paid to Marin in the amount of **\$97,663.00**;
- (b) As to Napout: Benefits, travel expenses, and other compensation FIFA paid to Napout in the amount of **\$121,446.30**;
- (c) As to Marin and Napout, jointly and severally: FIFA's costs to participate in Marin's and Napout's trial at the U.S. government's request, totaling **CHF 125,030.33**; and
- (d) As to Marin and Napout, jointly and severally with the remaining defendants to be sentenced: FIFA's legal fees incurred during its participation in the investigation and prosecution of Marin's, Napout's, and their co-conspirators' crimes, totaling **CHF 28,077,166.79**.

Very truly yours,
Quinn Emanuel Urquhart & Sullivan LLP



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CC: All counsel of record (via ECF)

General Information

Court	United States District Court for the Eastern District of New York; United States District Court for the Eastern District of New York
Federal Nature of Suit	Criminal
Docket Number	1:15-cr-00252